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11 HOME DEPOT U.S.A., INC.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 B&O MANUFACTURING, INC.,

17 Plaintiff,

18 v.

19 HOME DEPOT U.S.A., INC.,

20 Defendant.

CASE NO. C07 02864 JSW

(Proposed)

**ORDER ON DEFENDANT HOME DEPOT
U.S.A., INC.'S MOTION TO DISMISS
COUNTS I AND III OF PLAINTIFF'S
THIRD AMENDED COMPLAINT**

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23 Defendant Home Depot U.S.A., Inc. having timely moved to dismiss Counts I and III of
24 Plaintiff B&O Manufacturing, Inc.'s Third Amended Complaint, and this Court finding that such
25 dismissal is warranted as a matter of law,
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2 IT IS HEREBY ORDERED THAT Defendant Home Depot U.S.A., Inc.'s Motion to
3 Dismiss Counts I and III is GRANTED, and Counts I and III of the Third Amended Complaint
4 are DISMISSED WITH PREJUDICE.
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6 Dated: _____

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8 The Honorable Jeffrey S. White
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